

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY and STATE  
FARM COUNTY MUTUAL INSURANCE  
COMPANY OF TEXAS,

Plaintiffs,

V.

SANJAY MISRA, M.D. and  
SANJAY MISRA, M.D., P.A.,

Defendants.

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SA-22-CV-806-JKP (HJB)

## ORDER

Before the Court are the following motions: (1) Defendants' Opposed Motion to Quash and for a Protective Order (Docket Entry 27); (2) Non-Party Martinez & Associates, PLLC's Motion to Quash Plaintiffs' Subpoena (Docket Entry 29); (3) Jim S. Adler & Associates' Motion to Quash and Motion for Protection from Plaintiffs' Subpoena Duces Tecum (Docket Entry 32); (4) Defendants' Opposed Motion to Quash or Modify, and for a Protective Order (Docket Entry 33); and (5) Non-Party Davis Law Firm's Opposed Motion to Quash or for Protective Order (Docket Entry 34). Pretrial motions in the above case have been referred to the undersigned for consideration pursuant to 28 U.S.C. § 636(b). (*See* Docket Entry 10.)

A hearing was held on the above motions on March 3, 2023. In accordance with the Court's rulings at the hearing, it is hereby **ORDERED** as follows:

(1) Defendants’ Opposed Motion to Quash and for a Protective Order (Docket Entry 27), Non-Party Martinez & Associates, PLLC’s Motion to Quash Plaintiffs’ Subpoena (Docket Entry 29), Jim S. Adler & Associates’ Motion to Quash and

Motion for Protection from Plaintiffs’ Subpoena Duces Tecum (Docket Entry 32), and Non-Party Davis Law Firm’s Opposed Motion to Quash or for Protective Order (Docket Entry 34) are **GRANTED IN PART, DENIED IN PART**, and **DENIED WITHOUT PREJUDICE IN PART**, as follows:

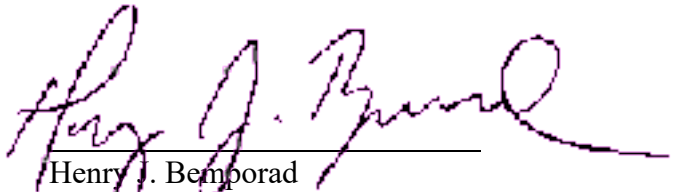
- a. **On or before March 10, 2023**, the parties must provide to the Court a Joint Proposed Amended Confidentiality and Protective Order which allows for any documents produced in this case to be designated as “Attorney’s Eyes Only”;
- b. Subject to the Amended Confidentiality and Protective Order discussed in Paragraph (1)(a), the motions are **DENIED** with respect to material contained in searchable Electronically Stored Information (“ESI”) in the possession, custody, or control of the subjects of the subpoenas that reflect:
  - i. Documents and communications exchanged between the subjects of the subpoenas and any Defendant, or anyone acting on the behalf of any Defendant, regarding any of the claims and/or individuals identified in the attached Exhibits A to the subpoenas, including but not limited to any communications regarding the scheduling, rendering, and/or billing of treatment by Sanjay Misra, M.D. and/or Sanjay Misra, M.D., P.A., including but not limited to letters of protection, medical records, bills, bill reduction letters, and Communications or Documents reflecting the referral or solicitation of those individuals for healthcare services;

- ii. Documents and communications reflecting the disbursement of settlement or litigation proceeds for claims that the subjects of the subpoenas made to any Defendant on behalf of any of the individuals identified in the attached Exhibits A to the subpoenas, including, but not limited to any settlement statements, settlement disbursement sheets, total settlement amounts, and total disbursement amounts; and
  - iii. Documents and communications reflecting any contractual relationships, financial arrangements, and/or referral arrangements between the subject of the subpoenas and any Defendant regarding any of the claims and/or individuals identified in the attached Exhibits A to the subpoenas.
- c. The motions are **GRANTED** as to each subpoena with respect to documents reflecting payments made to and/or received from any Defendant, including but not limited to any invoices, receipts, statements, accounting ledgers, checks, and/or Forms 1099-MISC. The granting of this relief is without prejudice to reconsideration after review of the documents produced by Frost Bank.
- d. The motions are **DENIED WITHOUT PREJUDICE** with respect to any request that Plaintiffs bear any of the cost of responding to the subpoenas.
- e. The subjects of the subpoenas must respond to the subpoenas **on or before April 18, 2023**.

(2) Defendants' Opposed Motion to Quash or Modify, and for a Protective Order (Docket Entry 33) is **DENIED AS MOOT IN PART** and **DENIED WITHOUT PREJUDICE IN PART**. Defendants may renew any request for protection from the documents already produced by Frost Bank.

As to any matter in which relief has been denied without prejudice, any movant seeking to renew a request for relief before this Court must first confer in good faith with any party opposing that relief.

**SIGNED** on March 6, 2023.



Henry J. Bemporad  
United States Magistrate Judge